

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ELEVATION FRANCHISE
VENTURES, LLC,)
Petitioner,)
v.) Civil Action No. 1:13-cv-719 (AJT/JFA)
FABIAN ROSARIO, et al.,)
Respondents.)

ORDER

This matter is before the Court on the Report and Recommendation [Doc. No. 13] of the Magistrate Judge recommending that default judgment be entered in favor of the petitioner and against the respondents herein. No objections to the Report and Recommendation have been filed by either respondent. Upon consideration of the Report and Recommendation, and after the Court conducted a *de novo* review of the evidence in this case, the Court hereby adopts and incorporates the findings and recommendations of the Magistrate Judge. Accordingly, it is hereby

ORDERED that the Court CONFIRMS the arbitration award issued on April 22, 2013 [Doc. No. 2-1]; and it is further

ORDERED that the petitioner's motion for default judgment [Doc. No. 10] be, and the same hereby is GRANTED; and it is further

ORDERED that judgment be, and the same hereby is, entered against the respondents, jointly and severally, in favor of petitioner Elevation Franchise Ventures, LLC in the following

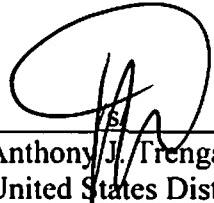
amounts: \$76,164.48 in liquidated damages; \$46,300.39 in attorney's fees and expenses¹; \$20,861.50 in arbitration costs; for a total of \$143,326.37, with simple interest on these amounts accruing at a rate of 18% per annum from the April 22, 2013 date of the award until paid in full.

The Clerk is directed to enter judgment pursuant to Fed. R. Civ. P. 55 and 58, and to send a copy of this Order to all counsel of record and to the respondents at their respective addresses for purposes of service of process:

Fabian Rosario
27 Bradhurst Ave., Apt. A1
New York, NY 10030

John F. Harris
142-06 223rd St.
Laurelton, NY 11413

John F. Harris
417 Prospect Place
Brooklyn, NY 11238



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
November 6, 2013

¹ The arbitration award [Doc. No. 2-1] indicates an award of \$46,300.39 in attorney's fees and expenses; however in paragraph 4 of petitioner's application for confirmation of that award [Doc. No. 1], petitioner requests \$46,300.00 for these costs instead, and this clerical error carries over into the Report and Recommendation [Doc. No. 13] also in paragraph 4. The Court finds that this was merely a clerical error, and that the appropriate amount is that found in the arbitration award.